



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
March 14, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on March 14, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Jonathan Korn, and Jamie Mills.

BOARD/ALTERNATE MEMBERS ABSENT: Robert Jacobsen and William Tubby.

OTHERS: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Matt Colangelo – Resident of 84 Glen Street spoke to the Board about issues he has with traffic on Glen Street. He moved into the house 3 years ago and began the conversation about this issue but has not received any reconciliation. Ulster County and the Golden Hill Nursing Home use Glen Street as one source of access to the property. The traffic is dangerous and eventually someone will be killed. He was told at the last Common Council meeting that the Planning Board will address his questions and they have not.

Chairman Platte confirmed with S. Cahill that the Planning Board had not received any communication from the Common Council with regard to this issue and there is no application before the Board at this time. Chairman Platte thanked Mr. Colangelo for coming and making his statement.

Item #2: Adoption of the February 8, 2016 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they reviewed the minutes and if there were any corrections. No one proposed any changes.

Decision: The Board voted unanimously to approve the February 8, 2016 Planning Board Minutes. (WP, CP, JD, MW, JK – yes)

PUBLIC HEARINGS:

Item #3: #101 Greenkill Avenue SPECIAL PERMIT to operate a massage and float therapy business. SBL 56.109-2-41. SEQR Determination. Zone O-2. Ward 4. Olga Schoonmaker/applicant; Greenkill Management Corp./Owner.

Discussion: No one spoke at the public hearing. Olga Schoonmaker was present at the meeting. She explained to the Board that she is seeking approval to establish a “float therapy” business. The space was formerly occupied by a woodworking shop.

Chairman Platte asked the applicant to describe the business. O. Schoonmaker explained that these will be sensory deprivation tanks where people will float in approximately 10 inches of water with large amounts of Epsom salt for 1 to 1 ½ hours. The feeling is similar to those that float in the Dead Sea. This method of therapy is used to treat many things including sports injuries, sore muscles, or for relaxation.

The use requires a variance from the Zoning Board of Appeals due to its location in an O-2 zone. Typically, staff would recommend seeking the variances first, however, the ZBA does not have a meeting scheduled for this month and staff did not want to delay placing the application on the agenda.

The project narrative states that the area is approximately 1,559sf on the 1st floor. The space will be divided into 1 large room with 2 sensory deprivation platforms, a pump and filter room, a lobby and a massage room. The massage room may not be used at this time.

The sensory deprivation baths will be 3’ wide x 7’ long with 10” of an Epsom salt solution. The Board asked how much salt will be needed for the tubs. O. Schoonmaker stated that she will be using between 800-1000lbs. of salt. She explained that the baths are not drained after every use. The water is run through a filtration process to clean the water before the next person enters the tank. The water and salt will need to be changed about every 6 months. Staff said that they already discussed the use with the Engineering Department and that they have no issues. W. Platte asked how the salt will come to the site. O. Schoonmaker said that it comes in 50lb. bags and that it will either be delivered to the site or it can be picked up.

The project narrative also states that the hours of operation will be Tuesday – Sunday from 6am-9pm by appointment only. O. Schoonmaker said that the hours will likely be 9am-9pm by appointment.

Staff asked about signage. The applicant said that the business will be called Zephyr Float. There will be one sign on the exterior of the building with the business name.

The Board asked about parking. Parking is located across the street on Sterling Street. This use replaces the woodworking use that was previously occupying the space which required 1 space per 300sf. And the proposed use does not exceed the demand.

The Board asked whether any Health Department approvals were required. The applicant said that she called the UC Health Department and that they said they do not regulate this type of use at this time. Staff confirmed that the Planning Office called the Health Department and received the same information.

The proposal is considered an Unlisted Action under SEQR. A determination of environmental significance was considered.

Decision: The Board voted unanimously to render negative declaration of environmental significance and to approve the special permit for a period of 1 year expiring on March 14, 2017 with the following conditions: a use variance obtained from the Zoning Board of Appeals, as well as, Board Policies 4 & 4a – exterior lighting levels (if used) between 1-5 footcandles and alterations if necessary, 6 – signature of applicant. (WP, MW, JD, CP, JK – yes)

Item #4: **#134 Downs Street** SPECIAL PERMIT to operate a 4 bedroom rooming house. SBL 48.334-2-1. SEQR Determination. Zone R-2. Ward 2. But What LLC/Tammy & Erin Kucharik; applicant/owner.

NOTE: Chairman Platte excused himself from the meeting for an emergency KFD call. Vice-Chairman J. Dwyer filled in as Chairman.

Discussion: Tammy and Erin Kucharik were present at the meeting. Alderman Doug Koop was present at the meeting to support the applicants. He stated that he had been to the house and spoke with the owners/applicants and that he supports what they are doing.

The application is for a special permit to operate a rooming/boarding house. The applicants have owned the property since 2009. She explained that she purchased this house and fixed it up and began renting rooms after working at Chiz's Heart Street and seeing that there was a need.

T. Kucharik said that she did not know that she needed a special permit because the Building Department had been to the house and inspected it in the past. She presented the operating permit that she had received after the inspection. She said that no one ever mentioned needing a permit until Inspector Jill Gagliardi came to inspect and told her that she needed one. She added that she wished there was another name for the type of use she is pursuing. Additionally, she said that the people that live in the house are more like a family. They eat together, clean

together, and spend holidays together. She said that they are not just spending their time in their own rooms. S. Cahill asked if any medications are administered. T. Kucharik said that she does not administer any meds but that she has a tenant that is visited by a psychiatric nurse.

Staff provided a copy of section 405-12(B) of the zoning code which lists the requirements for Boarding Houses. The owners do not live in the residence but have stated that they have a house manager, who is not a resident, and a point person that resides in the house.

Deputy Chief Tom Tiano was present at the meeting. He stated that he was unsure of the number of rooms being rented. He said that the operating permit issued by his department listed 3 bedrooms. The special permit application and plans show 4 bedrooms. T. Kucharik said that when J. Gagliardi inspected the house, she measured 4 rooms and said that they were adequately sized. The 4th room was only large enough for 1 person. T. Tiano also said that there were some violations the last time his office visited the site and that they will need to do a re-inspection to see whether everything has been addressed.

The Board asked about parking for the use. The parking requirement for rooming/boarding houses is 1 space per occupant based on maximum possible occupancy, plus one space for each employee. T. Kucharik said that there were 2 spaces when she originally applied but that after noting the requirement, she removed the fence in the back yard and was planning to expand the parking area. Staff suggested that the Planning Office and the Building Department visit the site to look at the parking area and the Building Department questions. T. Kucharik said that she thought it was a good idea for everyone to see what the place looks like.

Police incident reports were received. There were 7 incidents listed since January 2015; 1 property retrieval, 1 mental health, 1 vehicle break in, 3 disputes, and 1 larceny.

Staff contacted the UC Health Department and confirmed that the proposed use does not require any permit from their office. They advised that they do regulate “temporary housing” but that the size and operation of this structure would not trigger the permit requirement.

Staff asked about garbage removal and cleaning inside the house. T. Kucharik said that the tenants live as a family, they share in duties of cleaning and taking out the garbage.

Decision: The Board voted unanimously to table the application and directed staff to arrange a site inspection. (JD, JK, MW, CP, JM – yes)

NEW BUSINESS:

Item #5: **#488 Albany Avenue** SITE PLAN to establish a retail store. SBL 48.74-1-40. SEQR Determination. Zone C-3. Ward 6. Nikolaos & Elizabeth Lentzos; applicant/owner.

Discussion: Elizabeth & Nikolaos Lentzos were present at the meeting. They explained that they have owned and operated Sunrise Bagels for a number of years. They purchased the adjacent property at 488 Albany Avenue in 2011 and have been using it as storage. E. Lentzos said that they are hoping to open a retail business to sell things that they have collected over the

years. E. Lentzos said that they no longer operate the bagel business and that they are looking for something to occupy their time.

The project narrative states that the business will operate as an antique store for ½ of the year from Thursday – Sunday, 10am-6pm. E. Lentzos said that they will likely keep it open from spring to fall and be closed in the winter.

The applicants said that they will reface an existing freestanding sign currently being used by Sunrise Bagels while their façade is being renovated. The freestanding sign will be similar to the sandwich board sign that was submitted as part of the application.

Staff questioned storage or goods outside of the building. The applicants said that they will not store anything outside.

Parking – 1 space per 300sf is required. The building is only 388sf. There is ample parking on the site for the use. Staff advised the applicant during early discussions that a handicap parking space will need to be established with both pavement markings as well as signage.

Board Policy #6 will need to be signed.

The project is considered a Type II action under SEQR and therefore is predetermined to have no negative environmental significance and no further review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan to establish a retail store with the following conditions: Board Policy #6 – signature stating compliance with approved plan. (JD, JM, MW, CP, JK – yes)

Item #6: **#50 Rondout Landing** SITE PLAN to construct a new ADA entrance ramp and staircase. SBL 56.43-1.200. SEQR Determination. Zone RF-R, HAC Consistency, Rondout Design Standards. Ward 9. Hudson River Maritime Museum; applicant/owner.

Discussion: Dr. Jack Weeks, D. Proctor, Jordan Valdina, and Theodore Hough were present at the meeting. The applicants explained that the proposal includes demolishing the existing entrance ramp and staircase and constructing a new ADA compliant ramp. The current ramp was built over the property line onto the public right-of-way. The new ramp will also be beyond the Maritime Museum property. The applicants have discussed this with the Planning Office, Engineering Office and the Mayor and are aware that approvals and insurance coverage are required.

The Board reviewed the plans drawn by Jordan Valdina, R.A., Synergy Design, dated February 12, 2016:

- A Cover Sheet
- A-1 Proposed Elevations
- A-2 Entry Ramp & Canopy Plans
- P Photos – Existing Conditions

The ramp will be constructed of concrete with a new covered canopy. The applicants explained that the plans changed since the original submission based on conversations with the Mayor and City Engineer. The ramp will be extended out to the railroad tracks to allow for use by the Trolley Museum for access onto the trolleys. To accomplish this, the ramp will extend over the tracks nearest to the Maritime Museum to reach the outer tracks. Staff asked whether this would be an issue for the Trolley Museum to have the second set of tracks permanently cut off. J. Weeks said that they spoke with them about it and that they agreed they would not use that line. He said that they are applying to fund this project through the Community Development Block Grant application with the Trolley Museum of NY as a partner.

The canopy over the ramp will be constructed of standing seam metal roof with 8x8 timber posts with 6x6 timber brackets.

Surface mounted lighting fixtures will be added to the underside of the canopy. Decorative wall mounted fixtures will be added along the building façade resembling “ships passage” lights. The plans also note that LED lighting will be integrated into the cable railing.

New signage will include 16” reverse lit channel letters spelling out “Hudson River Maritime Museum.” The signage will be added to the main portion of the building above the gift shop area.

The applicants were made aware that the Heritage Area Commission will need to approve the project due to its placement in the Heritage Area. Coastal Consistency review is also required through the HAC. The applicants were also made aware that under the City Code, Chapter 355: Streets and Sidewalks, they also need approval from the Mayor for construction over the City right of way, as well as, a permit from DPW for excavation. The Board questioned whether approval was given by the Mayor. The applicants said that they met with him and he was in favor of the project but that they did not receive anything in writing. Staff stated that they will ask the Mayor’s Office for documentation of approval.

The applicants are applying for a variance because they do not meet the required setbacks for the RF-R zone. Receipt of the variance will be a condition of approval.

The applicants are aware that insurance coverage naming the City as additionally insured will need to be submitted.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for construction of a new entrance ramp, canopy, signage, and lighting with the following conditions: a variance from the required setbacks, approval from the Heritage Area Commission for exterior work and Coastal Consistency, approval from the Mayor and DPW for construction on City property, and insurance coverage naming the City additionally insured as required by Code. (JD, MW, CP, JK, JM – yes)

DISCUSSION:

Item #7: **#200 North Street** DISCUSSION on proposed special permit to operate multi-use market. SBL 48.84-1-4. SEQR Determination. Zone RF-H, Heritage Area and Coastal Zone. Ward 9. Jonathan Butler/applicant; North Street Brick Works LLC/owner.

Discussion: Jonathan Butler, Stuart Mesinger, and Kevin McManus were present at the meeting. J. Butler thanked the Board for their time prior to submittal of a formal application. He explained that the plan includes utilizing the former brickyard to create a food and antique/craft venue.

The plans includes renovation of some of the existing buildings. Workers have begun new roofs, grading of land, removal of vegetation, and securing and removal of debris to make the site safe for visitors. The three northern most pavilions will remain as they are and will be fenced off from the public. Any other unsafe areas and buildings not proposed for this phase will be fenced off as well. The former Brickyard Restaurant and the adjacent steel structure will be used for the market portion and a steel structure to the south will be used as a covered dining area.

J. Butler said that he has experience with operating large scale flea markets. He began Brooklyn Flea and Smorgasburg in Brooklyn and is now the largest operator of an outdoor market in the Country.

J. Butler said that the hope is to open on June 4th of this year. There will be approximately 10-12 employees working as managers, security, parking, and cleanup. They are looking to have 30-35 food vendors and 30 other vendors. He said that he has received over 160 applications for vendors. 80-85% of the vendors will be local Hudson Valley vendors but there will probably be a few Brooklyn vendors to add some variety.

One of the unanticipated benefits to this endeavor has been the economic development benefit that has come from launching new and successful businesses. Many of the vendors started small at the Brooklyn markets and ended up opening stores or restaurants as they became more well-known and successful.

The Board asked the applicants if they had been in contact with Scenic Hudson because of how vocal they were during the Sailors Cove and Hudson Landing proposals. S. Cahill said that she and the applicants met with Jeff Anzevino from Scenic Hudson to present the project and that he was very positive about the plan.

The applicants said that they are working on putting together a formal application that will address all aspects of the plan including water, sewer, lighting, stormwater, etc. C. Polacco said that traffic considerations will need to be discussed. He asked about the wetlands on the site as well. S. Mesinger said that they had the wetlands delineated and that the plan avoids them completely.

During the initial operation of the market, rest rooms will be accommodated with portable units. Ultimately, the applicants would like to install permanent compostable restroom facilities.

The applicants stated that parking will be graded and gravel will be added. Parking for 332 vehicles can be accommodated on the river side of the property with overflow parking on the other side for 153 vehicles.

W. Platte asked about docking facilities in the future. J. Butler said that they would love to have docks but that it would require a lot of permitting.

The Board asked about security on the site. J. Butler said that there will be a gate on North Street that will be locked. He said that he ultimately sees this operation becoming a 7 day a week manufacturing area where some of the buildings could be used by artists or chefs to create products on site. A constant presence would add to the security of the site.

The applicants are aware that the zoning code requires public access along the waterfront under section 405-25 RF-H Hudson Riverfront Districts: *"Meaningful, permanent public access" is defined as safe and unobstructed access to and along the dry, nontidal or nonsubmerged shore areas for all members of the public to attempt to provide a continuous public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or the granting of fee title to the City of Kingston. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval.*

Decision: There was no formal decision made on the discussion. A full application and plans will be submitted for the Board to consider in April 2016.

Item #8: #199 R Hurley Avenue & #203 & 205 Hurley Avenue & 493-495 Washington Avenue SITE PLAN update on proposed 60 unit senior housing complex. SBL 48.70-1-7.200 & 48.70-1-15.100 & 48.70-1-15.200. Zone C-1/O-2. Hudson Valley Housing Development Fund Company, Inc./applicant; Hudson Valley Housing Development Fund Company, Inc./ Ulster Savings Bank/owner.

Discussion: Margaret "Peg" O'Leary, Ted Fink, Planner, and Donald Shwartz, architect, were present at the meeting to represent the application. Reverend James Childs, Sr. (Point of Praise) was present as was Glen Sutherland, Richard Anthony, and J. McManus, from Ulster Savings Banks.

T. Fink thanked the Board for the opportunity to provide an update on the plan that began about 6 years ago. He explained that when the Board originally reviewed the plans, there were outstanding issues with regard to access to the site. The original proposal included access under the NYS Thruway overpass. This was problematic because after discussions with the Thruway, they were made aware that the Thruway Authority was not sure that they wanted to keep the overpass open and that ultimately they may decide to fill it in. After receiving this news, Hudson Valley Development Fund Company purchased 2 houses on Hurley Avenue that could provide more direct access to the site. The last pieces of the puzzle include the need for an easement from the County to cross the rail bed and access across a small triangular piece of property owned by St. Clara's Church (Pointe of Praise).

T. Fink explained that the applicants were last before the Planning Board in January 2013 when the Board issued a negative declaration of environmental significance for the project.

The project required an area variance for the length of the building in the O-2 zone. The building is longer than allowed. The variance was reviewed most recently in December 2015 after twice expiring and was granted again.

W. Platte asked if the rail trail improvements are still proposed with pull off. T. Fink said that the rail trail plan has not changed.

Reverend Childs stated that he was there at the meeting to express his support for the project. He feels there is a great need for senior housing in Kingston and that this is a great location. He added that he hoped that some of the residents would come to the church. P. O'Leary stated that the HVHDFC and St. Clara's Church are very close to settling the access need. Rev. Childs agreed that it is a matter of paperwork.

P. O'Leary told the Board that they would like to extend the offer for the Board to see their other projects. They utilized the same financing at the former St. Peters Hospital in Beacon.

D. Shwartz, project architect, explained that the building is 65,300+sf with 58 1-bedrooms and 2 2-bedrooms. The building is a bent design which helps to break up the size of the building but also helps residents find their way through the building. Other helpful landmarks are changes in carpet color, paint color, and door decorations. Emergency call buttons will be in all the rooms.

One of the homes on Hurley will be used by a caretaker for the site.

S. Cahill asked whether preference was given based on whether applicants for housing were Kingston residents or not. P. O'Leary said that fair housing does not allow for preference but that they will only be advertising locally. Preference is given to disabled and veterans.

The Board asked whether they find that many tenants have vehicles or if not, would they be able to leave the site. P. O'Leary said that they had commitment from UCAT to offer bus service to the site. She added that the head of the UCAT bus operation has changed since the initial talks and that she would be reaching out to the new person in charge.

The applicants were asked about energy efficiency and LEED Certification. P. O'Leary said that they are very much committed to energy efficiency but that they are not likely seeking any LEED Certifications. The certifications require a significant amount of paperwork and with their planned efficiencies, they may reach bronze but they do not plan to seek it. She said that geothermal and solar were not financially beneficial because of the return on the significant investment.

Staff advised the applicants that the application should be referred again to the Ulster County Planning Board. The last referral was never acted on by the Planning Board. The Planning Board will make the referral after the final access issues are resolved.

Decision: There was no formal decision made on the discussion.